

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COVIDIEN LP, et al.,
Plaintiffs,

v.

BRADY ESCH, et al.,
Defendants.

Case No. 18-mc-80063-SVK

**ORDER REGARDING JUNE 14, 2018
JOINT DISCOVERY LETTER**

Re: Dkt. No. 37

Before the Court is Covidien LP and Covidien Holding Inc. (together, “Covidien”) and third party Venclose, Inc.’s (“Venclose”) joint discovery letter regarding Venclose’s refusal to produce physical samples of the generator portion of the Venclose radiofrequency ablation device. On May 14, 2018, the Court issued an order to Venclose to produce “three (3) physical samples of any Venclose radiofrequency ablation device that Venclose offered for sale from the period 2013-December, 2016.” ECF 33 at 4. The Venclose radiofrequency ablation device contains two primary components: a catheter and a generator. ECF 37 at 1-2. Venclose produced three physical samples of the catheter on June 4 but has since refused to produce the generator component. *Id.* at 3. The Court is familiar with the parties and case background having ruled on several motions. After considering the parties’ positions, the Court ORDERS as follows:

The Court’s May 14, 2018 order compelled Venclose to produce three samples of its radiofrequency ablation device. The generator is one of two primary components of that device, and Venclose’s position that the generator is not included in this Court’s May 14, 2018 order is not well taken. Venclose remarks, vaguely, on the “significant” manufacturing costs of the generator, and Covidien indicates that one generator would be sufficient for its purposes. *Id.* at 3-4. Accordingly, Venclose is ordered to produce one generator, at no charge to Covidien, within 48 hours of this order.

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SO ORDERED.

Dated: June 19, 2018



SUSAN VAN KEULEN
United States Magistrate Judge